

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DONALD RAY SHIPP,

Petitioner,

v.

Case No. 2:05-cv-129
HON. R. ALLAN EDGAR

JERRY HOFBAUER,

Respondent.

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OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S

REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on June 9, 2008. The Report and Recommendation was duly served on the parties. The Court has received objections from petitioner. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Petitioner objects to the recommendation to dismiss his petition. Petitioner argues that he was sentenced on his F prefix on August 15, 1986, not August 15, 1996, as stated in the Report and Recommendation. Petitioner is correct as to the date of his F prefix sentence, but this error in the Report and Recommendation does not affect the validity of that recommendation. Petitioner's B prefix sentence was imposed on June 11, 1976. Petitioner has 32 years of consecutive maximum sentences that could not be served until 2008. According to the Michigan Department of Corrections Offender Tracking Information System, petitioner's maximum discharge date, at this

time, is August 30, 2008. Petitioner has not shown that his federal rights were violated by the respondent.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #60) is approved and adopted as the opinion of the Court.

Dated: 8/29/08

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE